

**BOARD OF NURSING
MINUTES
MADISON, WI
December 5, 2003**

PRESENT: June Bahr, Jacqueline Johnsrud, Marilyn Kaufmann, Marie Kohlbeck, Bettye Lawrence (arrived at 10:00am), Blaine Ropson, Linda Sanner and Kathleen Sullivan

EXCUSED: None

STAFF PRESENT: Kimberly Nania, Director of Health Services; Wayne Austin, Legal Counsel; Gina York, Minute taker, DOE and other staff

GUESTS: Judith Warmuth, WHA; Gina Dennik-Champion, WNA; Tony Driessen, WANA; and Curtis Detro, WANA

CALL TO ORDER

Linda Sanner called the meeting to order at 9:38 a.m. A quorum of eight members was present.

AGENDA

Addendums to the Agenda:

- Open Session, Insert Under Item B. Proposed Stipulation Received After Mailing of Agenda – Add names: Richard Munster and Elizabeth Hess
- Closed Session, Insert Deliberation of Proposed Stipulation Received After Mailing of Agenda – Add names: Richard Munster and Elizabeth Hess
- Open Session, Include in Item E. CRNA Medicare Opt-Out Information
- Open Session, Insert After Item F. APNP's Participation in Medicare
- Open Closed Session, Deliberation of Monitoring Received After Mailing of the Agenda – Add name: Dennis Bremer
- Open Session, Under Other Business – Add Nursing Redesign Report
- Open Session, Insert Under Informational: Speaking Request from UW-Madison

MOTION: Jacqueline Johnsrud moved, seconded by Blaine Ropson to approve the agenda as amended. Motion carried unanimously.

MINUTES OF NOVEMBER 7, 2003

MOTION: Jacqueline Johnsrud moved, seconded by June Bahr to approve the November 7, 2003 minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania provided an update to the Board regarding the Legislative Audit Bureau is conducting an audit on the Board of Nursing and differences between RN and LPN licensure and associated fees. Linda Sanner was contacted by the auditors, she shared some options, and suggestions with them of what should be considered when looking at fee increases. Dr. Nania also informed the Board that the Department is doing a time study for staff to record their time on specific tasks for each board. This data will be used to evaluate the amount of time being spent on each profession and examining board. This information will be useful for the fee study and evaluating Department resources.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board noted the report and Wayne Austin, Legal Counsel.

PRESENTATION OF PROPOSED STIPULATIONS MAILED AFTER THE AGENDA

There were two stipulations after the mailing of the agenda to be presented before the Board, Richard Munster and Elizabeth Hess.

FYI: SCOPE STATEMENT PERTAINING TO CHEATING ON CREDENTIALING EXAMINATIONS

Informational. Wayne Austin, Legal Counsel, the Department is working on this language for all boards regarding the cheating on credentialing examinations.

OPT OUT ISSUE AND CRNA MEDICARE OPT-OUT

The Board discussed the Opt-Out issue at length. There is currently about ten states that have Opt-Out. The Board feels that Governor Doyle will rely on input for Secretary Strong Hill and information the Board of Nursing can provide. The Board took the following action.

MOTION: Jacqueline Johnsrud moved, seconded by Blaine Ropson that a letter be sent to Governor Doyle with two board member names for contact, Linda Sanner and Jacqueline Johnsrud, supporting the CRNA Opt-Out. Motion carried unanimously.

Linda Sanner will draft a letter to send to Governor Doyle and provide an attachment of

supporting data regarding the CRNA Opt-Out.

INTERPRETATION OF N3.03 DEBORAH GRAY, RN

After a length discussion regarding the equivalency of the Canada exam and the NCLEX exam, The Board consulted with Wayne Austin, Legal Counsel regarding the interpretation of N3.03. Additional information was needed before a decision could be made.

MOTION: Jacqueline Johnsrud moved, seconded by Marilyn Kaufmann to postpone further discussion of N3.03 until after closed session. Motion carried unanimously.

After additional information was received and consulting with legal counsel, materials regarding Deborah Gray were reviewed. The Board took the following action.

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to grant licensure by endorsement for Deborah Gray, RN. Motion carried unanimously.

INFORMATIONAL ITEMS

SPEAKING REQUEST FROM UW-MADISON

Linda Sanner, Chair has received a request from the UW- Madison School of Nursing to speak regarding nursing and the licensure process.

MOTION: Jacqueline Johnsrud moved, seconded by Blaine Ropson to approve Linda Sanner to speak before the UW- Madison School of Nursing. Motion carried unanimously.

REPORT OF THE EDUCATION AND LICENSING COMMITTEE

Marilyn Kaufmann gave a report to the Board. Ms. Kaufmann provided an update on the NCLEX pass rate monitoring. There were two schools taken off, two schools added, and two schools remain on monitoring. The Lakeshore Technical College PN Self-Evaluation was reviewed and discussed with the Committee. An update regarding Alternative Models of Clinical Education was provided by Marilyn Kaufmann and a revised Mentor/Preceptor chart was distributed to Board members for review.

The following are a list of actions taken by the Committee at today's meeting.

MOTION: June Bahr moved, seconded by Jacqueline Johnsrud, to request that all RN preparation programs will be held to the same NCLEX pass/fail rate standard, which is the national average for first time takers for all RN preparation program types. Motion carried unanimously.

MOTION: Jacqueline Johnsrud moved, seconded by June Bahr to request a plan and self evaluation report be submitted after one year to address the NCLEX pass rates for Gateway Tech PN and UW Oshkosh BNS Program. Motion carried unanimously.

MOTION: Jacqueline Johnsrud moved, seconded by June Bahr, to approve the Lakeshore Technical College PN Program. Marilyn Kaufmann – Abstained. Motion carried.

The Board's Action:

MOTION: Jacqueline Johnsrud moved, seconded by Marie Kohlbeck, to approve the Education and Licensure report and their recommendations. Marilyn Kaufmann- Abstained. Motion carried.

**UPDATE ON ALTERNATIVE MODELS OF
CLINICAL EDUCATION**

Marilyn Kaufmann provided an update regarding alternative models of clinical education to the Board. The following action was taken at today's meeting.

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to support the recommendation that all RN preparation programs will be held to the same NCLEX pass/fail rate standard, which is the national average for first time takers for all RN preparation program types. Motion carried unanimously.

Barbara Showers, Office of Education and Examination, will send a letter to schools regarding the Board's motion and post it on the DRL Website.

Gina York, Board Services, emailed all four charts and Marilyn Kaufmann's revised Mentor/Preceptor chart to all Board members for review. No further additions were made. The Board will have a meeting sometime in the future to provide an opportunity for testimony and others to respond this issue. Date to be determined.

REPORT OF PRACTICE COMMITTEE

Linda Sanner reported the Committee is currently working on two position papers. The position paper titled "Position of the Board of Nursing on Performance of IV Therapy by Licensed Practical Nurses" is being revised by Blaine Ropson and June Bahr. In addition, the "Position of the Board of Nursing Regarding the Use of Nurse Technicians" is being revised by Jacqueline Johnsrud and Kathleen Sullivan.

The Committee will continue the annual review of the Board's position papers over the next several months.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Wayne Austin through out the meeting as needed.

VISITORS COMMENTS

Noted.

CLOSED SESSION

Open session adjourned at 10:15 a.m.

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85 (1)(a)(b)(f) and (g) for the purpose of application reviews, request for stays of suspensions, request for full licensure, request for reinstatement for stay of suspension, IPP reviews, approval of refresher courses, request for extension of time to pay costs, deliberation of proposed stipulations, deliberation of proposed administrative warning, deliberation of order fixing costs, deliberation of proposed decision in the matter of disciplinary proceedings, meeting with the Division of Enforcement and consulting with Legal Counsel. Motion carried by roll call vote: June Bahr-yes, Jacqueline Johnsrud-yes; Marie Kohlbeck-yes; Blaine Ropson-yes; Linda Sanner-yes, Bettye Lawrence-yes, Marilyn Kaufmann-yes and Kathleen Sullivan-yes. Motion carried unanimously.

IMPAIRED PROFESSIONALS PROCEDURE (IPP)

VOLUNTARY SURRENDER OF LICENSE IPP #473

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to accept the voluntary surrender of license for IPP # 473. Motion carried unanimously.

APPEARANCES BEFORE THE BOARD

SANDRA STOCK

MOTION: Jacqueline Johnsrud moved, seconded by Marie Kohlbeck, to impose a suspension of the license for Sandra Stock. Reason for Suspension: Ms. Stock's continuous, excessive use of pain medications for one and a half years, which have been obtained from multiple sources, and Ms. Stock is non-compliant with her urine screens. Motion carried unanimously.

REQUEST FOR EXTENSION

CALEY POWELL

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to grant Caley Powell an extension of two months to complete her CE credits. Motion carried unanimously.

REQUEST FOR FULL REINSTATEMENT OF LICENSURE

DEBRA KLOSS

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to deny reinstatement of licensure to Debra Kloss. The Board will reconsider upon documentation from her therapist on whether Ms. Kloss is fit to practice. Reason for Denial: Lack of documentation from Ms. Kloss's therapist. Motion carried unanimously.

REQUEST REINSTATEMENT OF LIMITED RN/APNP LICENSE

RONALD VAUK

MOTION: Blaine Ropson moved, seconded by Marie Kohlbeck, to grant a three-month stay of a limited RN license to Ronald Vauk, but deny reinstatement of the APNP privilege. Reason for Denial: The denial of the APNP privilege was because Mr. Vauk is not working as a nurse and it is inappropriate to grant until evidence is shown he is safe to practice and he follows the five year board order. Motion carried unanimously.

REQUEST FOR THREE MONTH STAYS OF SUSPENSION WITH MODIFICATIONS

HEIDI RIVER

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to grant Heidi River a three-month stay but deny changes in modifications. Reason for Denial: Ms. River is non-compliant with her urine screens. Motion carried unanimously.

ROBERT SAESS

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to grant Robert Saess a three-month stay and reduce urine screens to twenty-six per year. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAYS OF SUSPENSION
POSSIBLE BOARD VIOLATION**

LISA GARDNER

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to deny the request for a three-month stay to Lisa Gardner. Reason for Denial: Ms. Gardner needs to be signed up with a board approved drug-screening lab and to do her first urine drop at the approved lab. Motion carried unanimously.

POSSIBLE BOARD VIOLATION

DENNIS BREMER

MOTION: Marilyn Kaufmann moved, seconded by June Bahr, to suspend the license of Dennis Bremer. Reason for Suspension: Mr. Bremer is non-compliant with his urine screens. Motion carried unanimously.

ROBIN KISNER

MOTION: Jacqueline Johnsrud moved, seconded by June Bahr, to suspend the license of Robin Kisner. Reason for Denial: Ms. Kisner administered narcotics when she was not allowed to have access. She falsified records to cover this up. Motion carried unanimously.

BEVERLY FORD-WILLIAMS

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to refer Beverly Ford-Williams to DOE for non-compliance of the board order. Reason for Denial: Ms. Ford-Williams has not paid fees of the board order. Motion carried unanimously.

STIPULATIONS

KENNETH C. BULL, RN

MOTION: Marilyn Kaufmann moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Kenneth C. Bull, RN. Motion carried unanimously.

RENEE H. TENGLER, RN

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Renee H. Tengler, RN. Motion carried unanimously.

RICHARD MUNSTER

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Richard Munster. Motion carried unanimously.

MOTION: Bettye Lawrence moved, seconded by Blaine Ropson, to grant a three-month stay of his RN license only to Richard Munster. June Bahr – Opposed. Motion carried.

ELIZABETH HESS

MOTION: Bettye Lawrence moved, seconded by Blaine Ropson, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Elizabeth Hess. Motion carried unanimously.

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS

SUE E. HUGHES, RN

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to issue an administrative warning to Sue E. Hughes, RN. Motion carried unanimously.

DOROTHY K. CAMPBELL, RN

MOTION: June Bahr moved, seconded by Kathleen Sullivan, to issue an administrative warning to Dorothy K. Campbell, RN. Motion carried unanimously.

SALLY A. LILLIE, RN

MOTION: June Bahr moved, seconded by Marie Kohlbeck to issue an administrative warning to Sally A. Lillie, RN. Motion carried unanimously.

TODD A. SANN, RN

MOTION: June Bahr moved, seconded by Kathleen Sullivan, to issue an administrative warning to Todd A. Sann, RN. Motion carried unanimously.

BRENDA F. BRISTER, RN

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to issue an administrative warning to Brenda F. Brister, RN. Motion carried unanimously.

KENNETH A. SCHNEIDER, RN

MOTION: June Bahr moved, seconded by Bettye Lawrence, to issue an administrative warning to Kenneth A. Schneider, RN. Motion carried unanimously.

DIVISION OF ENFORCEMENT AND CASE STATUS REPORT

- MOTION:** June Bahr moved, seconded by Marie Kohlbeck, to close case **03 NUR 127**, for compliance gained. Motion carried unanimously.
- MOTION:** Marie Kohlbeck moved, seconded by June Bahr, to close **01 NUR 069** for no violation. Motion carried unanimously.
- MOTION:** Bettye Lawrence moved, seconded by Blaine Ropson, to close case **02 NUR 097** for no violation. Motion carried unanimously.
- MOTION:** Bettye Lawrence moved, seconded by Blaine Ropson, to close case **02 NUR 098** for no violation. Motion carried unanimously.
- MOTION:** Bettye Lawrence moved, seconded by June Bahr, to close case **01 NUR 231** for no violation. Motion carried unanimously.
- MOTION:** June Bahr moved, seconded by Blaine Ropson, to close case **03 NUR 171** for no violation. Kathleen Sullivan – Abstained. Motion carried.
- MOTION:** Bettye Lawrence moved, seconded by Marie Kohlbeck, to close case **98 NUR 097** for prosecutorial discretion. Motion carried unanimously.
- MOTION:** June Bahr moved, seconded by Bettye Lawrence, to close case **03 NUR 197** for no violation. Motion carried unanimously.
- MOTION:** June Bahr moved, seconded by Blaine Ropson, to close case **03 NUR 170** for no violation. Motion carried unanimously.
- MOTION:** Marie Kohlbeck moved, seconded by Kathleen Sullivan, to close case **03 NUR 102** for no violation. Motion carried unanimously.
- MOTION:** June Bahr moved, seconded by Marie Kohlbeck, to close case **01 NUR 331** for insufficient evidence. Motion carried unanimously.

RECONVENE TO OPEN SESSION

- MOTION:** Marie Kohlbeck moved, seconded by Kathleen Sullivan, to go into open session at 1:30 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: June Bahr moved, seconded by Marilyn Kaufmann to affirm all decisions made in closed session. Motion carried unanimously.

OTHER BOARD BUSINESS

NURSING REDESIGN REPORT

Marilyn Kaufmann reported that there was a Nursing Redesign meeting held on December 4, 2003. Others attending the meeting were Kimberly Nania, Bureau Director of Board Services, Susan Gleason and Margaret Smetzer from the Department of Workforce Development. There was a lot of discussion regarding the nursing shortage and what can be done. The group pooled together a lot of ideas trying to come up with some viable options.

BOARD EXPENSE CLAIMS

Several Board members shared with Kimberly Nania that they have not received their expense checks for the last couple months. Kimberly Nania will check into what the status is on these checks. Dr. Nania did share that the Department is behind in processing these claims and will send an email to Patty Hoeft, Division Administrator of Board Services.

ADJOURNMENT

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to adjourn the meeting at 1:44 p.m. Motion carried unanimously.